

SPECIAL SESSION

JOURNAL OF THE SENATE

Friday, August 25, 1967

The Senate was called to order by the President at 9:30 a. m. The following Senators were recorded present:

| | | | |
|---------------|-----------|---------|-------------|
| Mr. President | Edwards | Johnson | Spencer |
| Askew | Elrod | Knopke | Stockton |
| Barron | Fincher | Lane | Stolzenburg |
| Barrow | Fisher | McClain | Stone |
| Bell | Friday | Mathews | Thomas |
| Boyd | Gibson | O'Grady | Weber |
| Broxson | Gong | Ott | Weissenborn |
| Chiles | Griffin | Poston | Wilson |
| Clayton | Gunter | Reuter | Young |
| Cross | Henderson | Sayler | |
| Deeb | Hollahan | Shevin | |
| de la Parte | Horne | Slade | |

45. A quorum present.

Excused: Senators Bafalis, and Plante. Senator Haverfield for the morning session.

Prayer by Senator Beth Johnson of the 29th Senatorial District:

Heavenly Father, give us the strength of purpose to overcome the paralysis of analysis. Let us not pray for tasks equal to our powers but rather to pray for powers equal to our tasks. Help us to realize that genius is nothing but a great aptitude for patience and that he that has patience may encompass anything. We ask this in Jesus' name. Amen.

The Journal of August 24 was corrected and approved.

ENROLLING REPORT

Your Enrolling Clerk to whom was referred—

SCR 9-4X(67)

—reports same has been enrolled, signed by the required Constitutional officers and presented to the Governor on August 25, 1967.

EDWIN G. FRASER
Secretary of the Senate

Senator Wilson moved that the rules be waived and when the Senate adjourns this day, it adjourn to reconvene at 10:00 a. m., Monday, August 28. Which was not agreed to.

On motion by Senator Mathews, pursuant to Rule 5.12 the Senate resolved itself into a Committee of the Whole for the purpose of further consideration of SJR 2-4X(67).

COMMITTEE OF THE WHOLE

Senator Horne presiding.

The Committee of the Whole resumed consideration of Amendment 263, as amended.

Senator O'Grady offered the following amendment to Amendment 263 which failed:

In Section 1, line 2, strike: "Adequate"

Amendment 263 as amended was adopted.

Senator Boyd offered the following amendment:

Amendment 264—Article IX, Section 4, on page 52, beginning at line 17, strike Section 4 and insert in lieu thereof the following:

Section 4. SCHOOL DISTRICTS—SCHOOL BOARDS.—

(a) Each county shall constitute a school district; provided that two [Two] or more contiguous counties may be combined by law into [a] one school district. In each [county or] school district there shall be a school board composed of five members

meeting requirements of residence fixed by general law and, if authorized by local law, not more than six additional members meeting residence requirements fixed by local law, all elected by the electors of the [county or] school district for terms of four years staggered as provided by law.

(b) The school board shall operate, control and supervise all public schools within the [county or] school district and determine the rate of [county or school] district school taxes. Two or more [counties or] school districts may, if authorized by law, operate and finance joint educational programs.

Senator Henderson offered the following amendment to Amendment 264 which was adopted:

Beginning at line 3, after the words "two or more contiguous counties" add or contiguous portions thereof

Amendment 264 as amended was adopted.

Senator Barron, having been excused from the Session on August 23, requested unanimous consent to be recorded as voting "Nay" on the adoption of Amendment 249.

The Steering Committee offered the following amendment which was moved by Senator Mathews:

Amendment 221—Article IX, Section 3, on page 52, beginning at line 13, strike Section 3 and insert in lieu thereof a new Section 3, substantially reworded as follows:

Section 3. BOARD OF REGENTS.—The governor shall appoint, subject to confirmation by the Senate, a board of nine regents for staggered terms of nine years, one term beginning on the first day of each year, who shall have the qualifications and the powers, duties and jurisdiction over institutions of higher learning as prescribed by law.

Senator Thomas offered the following amendment to Amendment 221 which failed:

On line 3, strike "of nine years" and insert as provided by law

Amendment 221 was adopted.

Senator Boyd offered the following amendment:

Amendment 265—Article IX, Section 5, on page 53, beginning at line 7, strike Section 5 and insert in lieu thereof the following:

Section 5. SUPERINTENDENT OF SCHOOLS.—In each [county or] school district there shall be a superintendent of schools who shall be elected at the general election in each year the number of which is a multiple of four, for a term of four years; except that, when provided by local law, subject to referendum in the [county or] school district, the superintendent of schools shall be appointed by and serve at the pleasure of the school board. The local law may be repealed, subject to referendum in the [county or] school district, only after it has been in effect for three years. The qualifications, powers and duties of the superintendent of schools shall be prescribed by law.

Senator Sayler offered the following substitute amendment which failed:

Article IX, Section 5, on page 53, beginning at line 7, strike Section 5 and insert: Section 5. Superintendent of Schools.— as provided by law there shall be a superintendent of schools in each county or school district.

Amendment 265 was adopted.

Senator Boyd offered the following amendment which was adopted:

Amendment 266—Article IX, Section 6, on page 53, beginning at line 21, strike Section 6 and insert in lieu thereof the following:

Section 6. PUBLIC SCHOOL FUND.—In each [county and] school district there shall be established a public school fund consisting of the proceeds of such ad valorem taxes on the taxable tangible property in the [county or] school district as may be provided by law, any state appropriations distributed to it, and any revenue derived from any other source for the support and maintenance of free public schools[.], and other public educational institutions and programs as prescribed by law. The school board shall disburse the public school fund solely for the support and maintenance of free public schools and other public educational institutions and programs as prescribed by general law. No law shall be enacted authorizing the diversion or lending of the fund or the use of any part of it for support of any sectarian school.

The Steering Committee offered the following amendment which was moved by Senator Mathews:

Amendment 222—Article IX, Section 7, on page 54, beginning at line 4, strike Section 7 and insert in lieu thereof a new Section 7, substantially reworded as follows:

Section 7. STATE SCHOOL FUND.—The state school fund shall remain inviolate and interest derived from investment thereof shall be applied exclusively to the support of free public schools. This interest shall be apportioned among school districts as provided by law.

Senator Weissenborn offered the following substitute amendment which failed:

Strike Section 7 of Article IX of SJR 2-XXX

Amendment 222 was adopted.

The hour of recess having arrived, a point of order was called and the Committee of the Whole recessed at 12 noon.

AFTERNOON SESSION

The Committee of the Whole was called to order by Senator Askew at 1:30 p. m. A quorum present.

Senator Mathews moved that the Committee of the Whole rise. Which was agreed to.

The Senate was called to order by Senator Askew at 1:32 p. m. A quorum present.

On motion by Senator Mathews, the rules were waived and time of adjournment was extended until 5:00 p.m. or until completion of consideration of Article XI.

On motion by Senator Mathews, pursuant to Rule 5.12, the Senate resolved itself into a Committee of the Whole for the purpose of further consideration of SJR 2-4X(67).

COMMITTEE OF THE WHOLE

On motion by Senator Mathews, Article IX as amended was adopted, with Senator Bell voting "Nay."

Senators Bell and Stolzenburg offered the following amendment which was moved by Senator Bell and failed:

Amendment 123—Article X, Section 2, Subsection (a), on page 55, beginning at line 7, strike subsection (a) and insert in lieu thereof:

Section 2. MILITIA.—

(a) The militia shall be composed of all ablebodied inhabitants of the state who are [or have declared their intention to become] citizens of the United States; and no person because of religious creed or opinion shall be exempted from military duty except upon conditions provided by law.

The vote was:

Yeas—14

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|--------|---------|-------------|--------|
| Barrow | Griffin | Spencer | Wilson |
| Bell | Horne | Stockton | Young |
| Elrod | Johnson | Stolzenburg | |
| Fisher | Slade | Weber | |

Nays—21

| | | | |
|---------------|---------|-------------|---------|
| Mr. President | Broxson | Cross | Edwards |
| Askew | Chiles | de la Parte | Fincher |

| | | | |
|-----------|---------|--------|--------|
| Friday | Knopke | Ott | Thomas |
| Gong | Lane | Poston | |
| Gunter | McClain | Shevin | |
| Henderson | Mathews | Stone | |

The Steering Committee offered the following amendment which was adopted on motion by Senator Mathews:

Amendment 225—Article X, Section 5, Subsection (a), on page 57, beginning at line 2, strike subsection (a) and insert in lieu thereof the following:

(a) No private property or right of way shall be taken for a public purpose without full and just compensation therefor, including damages arising from the taking, as determined by a jury, and court costs, reasonable expenses and attorneys' fees, as determined by a court, paid to each owner or secured by deposit in the registry of the court and available to the owner.

The Steering Committee also offered the following amendment which was moved by Senator Mathews and failed:

Amendment 226—Article X, Section 5, Subsection (a), on page 57, beginning at line 2, strike subsection (a) and insert in lieu thereof the following:

(a) No private property or right of way shall be taken for a public purpose without [full and] just compensation therefor, including damages arising from the taking, as determined by a jury, paid to each owner or secured by deposit in the registry of the court and available to the owner.

The Steering Committee also offered the following amendment which was moved by Senator Mathews and failed:

Amendment 224—Article X, Section 5, Subsection (d), on page 57, beginning at line 21, strike subsection (d) and insert in lieu thereof the following:

(d) Provision may be made by law for the taking, by like proceedings, of [rights of access to, or for drainage or irrigation of, the land of one person over or through the land of another.]:

(1) rights of access to, or for drainage or irrigation of, the land of one person over or through the land of another, and

(2) private property in any slum or blighted area, for the protection of the public health, safety and welfare, and public funds may be used for this purpose.

Senator Bell offered the following amendment which failed:

Amendment 202—Article X, Section 6, on page 57, beginning at line 25, strike section 6 in its entirety.

On motion by Senator Chiles, the rules were waived and the following amendment which had not been prefiled was offered to Article X and the amendment was adopted:

Section 3, Subsection (1), on page 56, beginning at line 5, strike "one hundred sixty" and insert four

On motion by Senator Mathews, Article X as amended was adopted.

Senator Thomas offered the following amendment which was adopted:

Amendment 233—Article XI, Section 1, on page 59, beginning at line 7, strike Section 1 and insert in lieu thereof the following:

Section 1. PROPOSAL BY LEGISLATURE.—Amendment of a section or revision of one or more articles, or the whole, of this constitution may be proposed by joint resolution agreed to by three-fifths of the membership of each house of the legislature. The full text of the joint resolution and the [yeas and nays of the members] vote of each member voting shall be entered on the journal of each house.

The Steering Committee offered the following amendment which was moved by Senator Mathews and failed:

Amendment 227—Article XI, Section 5, Subsection (b), on page 62, beginning at line 1, strike Subsection (b) and insert in lieu thereof:

(b) Once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held,

the proposed amendment or revision, with notice of the date of election at which it will be submitted to the electors, shall be published in one newspaper [of general circulation] in each county in which a newspaper is published.

Unanimous consent was granted Senator O'Grady to be recorded as voting "Nay" on adoption of the amendment to the substitute amendment, and on the adoption of the substitute amendment as amended, which were offered for Amendment 275 on August 24, 1967.

On motion by Senator Mathews, Article XI as amended was adopted.

Senator Shevin offered the following amendment which failed:

Amendment 200—Article XII, on page 70, after line 31, add new section 17 after present section 16 and renumber subsequent sections accordingly:

Section 17. ANNUAL SESSIONS.—The requirements of annual regular sessions of the legislature in Section 3 of Article III of this constitution shall apply only to the regular session of the legislature that shall convene in the year 1969 and thereafter.

Senator Shevin also offered the following amendment which was adopted:

Amendment 50—Article XII, on page 71, insert a new section 17 and re-number section 17 as section 18 as follows:

Section 17. LEGISLATIVE APPORTIONMENT.—The requirements of legislative apportionment in section 17 of article III of this constitution shall apply only to the apportionment of the legislature following the decennial census of 1970, and thereafter.

Section 18. EFFECTIVE DATE.—This constitution shall become effective at 12:01 o'clock A.M. Eastern Standard Time, November 15, A.D. 1967.

On motion by Senator Mathews, Article I was adopted. The vote was:

Yeas—30

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|---------------|-----------|---------|----------|
| Mr. President | Edwards | Horne | Reuter |
| Askew | Fincher | Knopke | Shevin |
| Barron | Fisher | Lane | Stockton |
| Boyd | Friday | McClain | Stone |
| Broxson | Gibson | Mathews | Thomas |
| Chiles | Griffin | O'Grady | Young |
| Clayton | Henderson | Ott | |
| Cross | Hollahan | Poston | |

Nays—8

| | | | |
|-------|---------|-------------|-------------|
| Elrod | Gunter | Spencer | Weissenborn |
| Gong | Johnson | Stolzenburg | Wilson |

PAIRS

The following Pairs were announced by the Secretary in accordance with Senate Rule 8.4:

I am paired with Senator Bafalis on Article I. If he were present he would vote "Yea" and I would vote "Nay."

ROBERT M. HAVERFIELD,
41st District

I am paired with Senator de la Parte on Article I. If he were present he would vote "Yea" and I would vote "Nay."

JOHN W. BELL,
38th District

I am paired with Senator Barrow on Article I. If he were present he would vote "Yea" and I would vote "Nay."

CHARLES H. WEBER,
37th District

Senator Mathews moved that the Committee of the Whole rise. Which was agreed to.

The Senate was called to order by the President at 4:43 p. m. A quorum present.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 4:44 p.m. to reconvene at 9:00 a.m., August 26, 1967.